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Paper No. 6

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
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CINCINNATI, OH 45224

In re Application of
Carlucci, et al.
Application No. 09/862,815
Filed: May 22, 2001
Attorney Docket No. CM2353

DECISION ON PETITION

This is a decision on the petition filed March 18, 2002, to
revive the above-identified application under 37 CFR 1.137(b).

The petition is **GRANTED**.

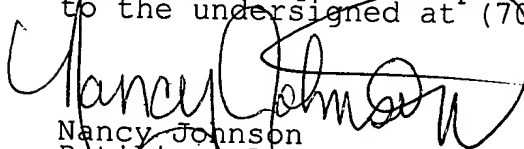
The above-identified application became abandoned for failure to
reply to the Notice to File Missing Parts of Application mailed
July 19, 2001. The Notice set a period for reply of two (2)
months from the mail date of the Notice. No extensions of time
under the provisions of 37 CFR 1.136(a) were obtained. No reply
having been received, the above-identified application became
abandoned on September 20, 2001. The instant petition precedes
the mailing of a Notice of Abandonment.

Petitioner has satisfied the requirements of 37 CFR 1.137(b).
Accompanying the instant petition were new declarations signed in
combination by all of the joint inventors; and the surcharge for
late filing of the declaration under 37 CFR 1.16(e), the replies
requested in the above-identified notice. Petitioner also
submitted the petition fee and made the required statement of
unintentional delay.

Petitioner also submitted a request for extension for response
within the fifth month (and fee). An extension of time under 37
CFR 1.136 must be filed prior to the expiration of the maximum
extendable period for reply. See In re Application of S., 8
USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the
\$1,960.00 extension of time submitted with the petition on March
18, 2002 was subsequent to the maximum extendable period for
reply, this fee cannot be accepted and will be credited to
petitioner's deposit account, as authorized.

The application file is being forwarded to the Office of Initial
Patent Examination for completion of pre-examination processing.

Telephone inquiries specific to this decision should be directed
to the undersigned at (703) 305-0309.


Nancy Johnson
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy